

JOURNAL OF THE HOUSE.

Monday, April 5, 2004.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Bosley of North Adams in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Eternal God, the Lord of History, this week we observe several significant biblical historical events which direct our hearts and minds to You, prayer, reflection and family. For the Jewish Community, the Passover recalls God's actions in delivering His people from persecution and slavery in a foreign land. The recalling to mind of this biblical event reminds us of God's personal concern for each one of us as members of His family. For Christians, the solemn observance of Good Friday and the joyous celebration of Easter Sunday renews their commitment to their beliefs, practices and their Lord. During this holy week, inspire us to keep the religious sentiment and energy which these days stir up within us strong and dynamic in the weeks and months ahead.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Bosley), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Message from the Governor — Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill authorizing a change in land use in the town of Lakeville [see House, No. 4112, amended] (for message, see House, No. 4643) was filed in the office of the Clerk on Thursday, April 1.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Mr. Donato of Medford, to the committee on Bills in the Third Reading.

Message from the Governor — Veto.

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill authorizing the town of Salisbury to make an appeal to the Appellate Tax Board [see House, No. 4296] (for message, see House, No. 4644) was filed in the Office of the Clerk on Thursday, April 1.

The message was read; and, under House Rule 12, placed in the Orders of the Day for the next sitting, the question being on passing the bill, notwithstanding the said objections.

Resolutions.

Resolutions (filed with the Clerk by Ms. Gobi of Spencer) on the seventy-fifth anniversary of the Massachusetts Sportsmen’s Council, Inc., were referred, under Rule 85, to the committee on Rules.

Mr. Miceli of Wilmington, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mrs. Teahan of Whitman, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petition.

Mr. Straus of Mattapoisett presented a petition (subject to Joint Rule 12) of William M. Straus and William Francis Galvin relative to nomination papers for certain state representative districts in the year 2004; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Miceli of Wilmington, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Donato of Medford, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Election Laws. Sent to the Senate for concurrence.

Papers from the Senate.

The House Bill authorizing the town of Dighton to establish a special fund (House, No. 455) came from the Senate passed to be engrossed, in concurrence, with an amendment in line 8 by inserting after the word “Dighton” the words “, with the approval of the board of selectmen of the town,”.

Under suspension of Rule 35, on motion of Mrs. Haddad of Somerset, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

A Bill authorizing the town of Hingham to grant certain licenses for the sale of alcoholic beverages (printed in House, No. 4368) (on a message from His Excellency the Governor), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

A petition (accompanied by bill, Senate, No. 2317) of Therese Murray and Daniel K. Webster (by vote of the town) for legislation relative to the position of appointed treasurer/collector in the town of Pembroke, was referred, in concurrence, to the committee on Local Affairs and Regional Government.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2319) of John A. Hart, Jr. for legislation to authorize Thomas P. Flaherty, Jr. to take a civil service examination for the position of firefighter in the city of Boston notwithstanding the maximum age requirement. To the committee on Public Service.

Petition (accompanied by bill, Senate, No. 2318) of Steven C. Panagiotakos, Thomas A. Golden, Jr., Kevin J. Murphy and David M. Nangle for legislation to designate a portion of the Lowell Heritage State Park as the Mary Bacigalupo Victorian Garden. To the committee on State Administration.

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to an inspection of the Souza-Baranowski Correctional Center, in the town of Shirley, was spread upon the records of the House; and returned to the Senate.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Brian P. Wallace for legislation to designate the South Boston District Court as the Honorable Chief Justice Joseph F. Feeney Memorial Court House. Under suspension of the rules, on motion of Mr. Donato of Medford, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration. Sent to the Senate for concurrence.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Public Service to make an investigation and study of certain House documents concerning active and retired public employees (House, No. 4605), reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4441) of Matthew C. Patrick and Jeffrey Davis Perry (by vote of the town) relative to the appointment of retired police officers to the police department of the town of Mashpee,— and recommending that the same be recommitted to the committee on Public Service. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Scaccia of Boston, for the committee on Rules, asking to be discharged from further consideration of the Order relative to authorizing the committee on Energy to make an investigation and study of certain House documents concerning alternative fuel facilities (House, No. 4614),— and recommending that the same be recommitted to the committee on Energy; and

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill relative to identity theft and consumer rights

Thomas P. Flaherty, Jr.

Lowell, Bacigalupo Garden.

Souza-Baranowski Correctional Center, inspection.

Joseph Feeney Court House.

Mashpee, police department.

Alternative fuel, study.

Identity theft.

Sportsmen s Council, Inc.

Nomination papers.

Dighton, special fund.

Hingham, liquor licenses.

Pembroke, treasurer/collector.

(House, No. 4556),— and recommending that the same be recommended to the committee on Commerce and Labor.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration

Mufflers.
School attendance.
Of the Bill relative to mufflers (House, No. 1722); and
Of the Bill to improve truancy enforcement and encourage school attendance (House, No. 1825, changed);

And recommending that the same severally be referred to the House committee on Rules; and

Motor fuel, prices.
Of the Bill further regulating the unfair retail sale of motor fuel at prices below cost (House, No. 1430); and

State facilities, experiments.
Of the Bill prohibiting medical or scientific experiments in state facilities (House, No. 4557);

And recommending that the same severally be referred to the committee on Ways and Means.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on House, No. 4438, an Order relative to authorizing the committee on Local Affairs and Regional Government to make an investigation and study of a certain House document concerning fines for illegally parked motor vehicles (House, No. 4635).

Motor vehicle fines.

By Mr. Wagner of Chicopee, for the committee on Transportation, on House, Nos. 1990, 2723, 3273, 3624 and 3943, an Order relative to authorizing the committee on Transportation to make an investigation and study of certain House documents concerning development projects (House, No. 4636) [Representatives Turkington of Falmouth and Evangelidis of Holden dissenting].

Development projects.

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, in each instance, asking to be discharged from further consideration of said orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government on the part of the House, that the Bill relative to restoring the infrastructure of library services for residents of the Commonwealth (House, No. 1199) ought to pass. Referred, under Rule 32A, to the committee on Long-Term Debt and Capital Expenditures.

Library services.

By Ms. St. Fleur of Boston, for the committee on Education, Arts and Humanities, on House, Nos. 1645 and 3310, a Bill relative to educational collaboratives (House, No. 4641).

Educational collaboratives.

By Mr. Koczera of New Bedford, for the committee on Public Service, on a recommitted petition, a Bill providing a minimum pension for certain retired municipal employees (House, No. 243, changed in line 11 by striking out the following: “\$10,000” and inserting in place thereof the following: “\$12,000”).

Municipal retirees, pension.

Severally read; and referred, under Rule 33, to the committee on Local Affairs and Regional Government on the part of the House.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government on the part of the House, that the following bills ought to pass:

Bill relative to the leasing of publicly-owned land for agricultural purposes (House, No. 265);

Public land, agriculture.

Bill relative to regional tourism councils (House, No. 668);

Tourism councils.

Bill making of the deposit of public monies uniform (House, No. 1424, changed); and

Public monies.

Bill relative to infectious disease (House, No. 1929); and

Disease.

Bill relative to mental health (House, No. 2978); and

Mental health.

By Mr. Dempsey of Haverhill, for the committee on Science and Technology, that the following bill ought to pass:

Public accountancy exam.

Bill relative to the computerization of the examination for certification for the practice of public accountancy (Senate, No. 2210, amended);

Severally referred, under Rule 33, to the committee on Ways and Means.

By Mr. Cabral of New Bedford, for the committee on Human Services and Elderly Affairs, on House, Nos. 1678 and 2611, a Bill relative to requiring the Department of Social Services to provide certain information in care and protection proceedings (House, No. 4637).

Protection proceedings.

By the same member, for the same committee, on House, No. 2247, a Bill providing benefits for certain parents and spouses of veterans (House, No. 4638).

Veterans benefits.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on a petition, a Bill authorizing the transfer of the former Fisher Hill Reservoir in the town of Brookline (House, No. 4429).

Brookline, Fisher Hill Reservoir.

By Mr. Greene of Billerica, for the committee on Natural Resources and Agriculture, on Senate, No. 692 and House, No. 2482, a Bill relative to mercury reduction and providing for public education programs on the danger of mercury in the environment (House, No. 4639).

Mercury reduction.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Greene of Billerica, for the committee on Natural Resources and Agriculture, on Senate, No. 1268 and House, No. 2275, a Bill relative to safer alternatives to toxic chemicals

Toxic chemicals.

(House, No. 4642). Read; and referred, under Rule 33B, to the committee on Science and Technology.

Engrossed Bills.

Engrossed bills
Bills enacted.

Authorizing the town of Winchester to grant 3 additional licenses for the sale of all alcoholic beverages (see House bill printed as Senate, No. 2032); and

Exempting the position of deputy police chief of the town of Braintree from the civil service law (see House, No. 4379);
(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Reconsideration.

Assisted living employees.

Mr. DeLeo of Winthrop moved that the vote be reconsidered by which the House, on Thursday last, concurred with the Senate in its amendments to the House Bill relative to criminal offender record information checks for assisted living employees (see House, No. 4390, amended); and the motion to reconsider was considered forthwith; and it prevailed.

The same member then moved that the House concur with the Senate in its amendments with a further amendment inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to allow forthwith certain criminal offender record information for assisted living employees, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

The further amendment was adopted. The House then concurred with the Senate in its amendments, as amended. Sent to the Senate for concurrence in the further amendment.

Order.

Next sitting.

On motion of Mr. Finneran of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet on Thursday next at eleven o’clock A.M.

At twelve minutes before twelve o’clock noon, on motion of Mr. Hynes of Marshfield (Mr. Bosley of North Adams being in the Chair), the House adjourned, to meet on Thursday next at eleven o’clock A.M., in an Informal Session.